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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,264	09/18/2003	Kazuhiro Takeda	SIC-03-034	2263
29863	7590	08/28/2006	EXAMINER	
DELAND LAW OFFICE P.O. BOX 69 KLAMATH RIVER, CA 96050-0069			LUU, MATTHEW	
			ART UNIT	PAPER NUMBER
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DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,264	Applicant(s) TAKEDA, KAZUHIRO	
	Examiner LUU MATTHEW	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-15 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-4, 6-15 and 34 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date | 6) <input type="checkbox"/> Other: _____ |

5/17/05 ; 9/15/04 , 6/1/04

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 34 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding new claim 34, the specification and section 15, as indicated by Applicant, fails to disclose "historical" ranking information for the plurality of bicycle users at the time the application was filed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hickman et al (US 2005/0233861) in view of Shea (6,171,218).

Regarding claim 1, Hickman discloses (Fig. 10) a bicycle user information apparatus comprising:

an information receiver (Internet access apparatus 196, the Internet 214, server system 76' and remote system 66') that receives information corresponding to the bicycle user (Fig. 13, bicycle user 274A) through the Internet (252) (Sections 99-101 and 110); and

an administration control unit (Fig. 13, Internet 252, fixed local server 266, mobile local sever 272, remote server 258 and trainer machines 262A-262N) that manages the information received through the information receiver and enables external access to the managed information in response to predetermine criteria (a trainer can externally access to the bicycle user information through out-of-band communication such as cellular phone in response to predetermined criteria such as a high-speed data connection criteria (Figs. 13 and 33; and sections 114-116 and 162);

wherein the administration control unit (Fig. 13, Internet 252, fixed local server 266, mobile local sever 272, remote server 258 and trainer machines 262A-262N) comprises a user registration unit (Fig. 14, user ID 294) that registers identifying information corresponding to the bicycle user (Sections 122-123).

Hickman fails to explicitly disclose an information receiver in his bicycle user information apparatus (i.e., Internet servers systems).

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However, Shea discloses (Fig. 3) a bicycle user information apparatus comprises a central office (102) (a server) and a plurality of bicycle devices (104). The central office or server (102) includes a receiver (114). The central office or server (102) also communicates to the bicycle devices (104) through a communication link (106) that may be a telephone network, a satellite system, or an optical fiber (Column 4, lines 14-16 and lines 27-34).

Therefore, it would have been obvious to a person of ordinary skill in the art to use the receiver (114) and the transmitter (112) of Shea into the Internet network/server systems of Hickman since this is well known in the art (Hickman, sections 15-16).

Regarding the claimed limitation "a rank processing unit that processes and provides ranking information for a plurality of bicycle users", Hickman further teaches that the bicycle users can race or compete in the "Tour de France" (Section 156). Hickman also teaches "This also permits amateurs (presumably on fixed exercise devices) to compete with professionals on mobile exercise devices" (Section 159).

Therefore, it would have been obvious to the person of ordinary skill in the art to recognize that the terms "amateurs" and "professionals" are two different ranking levels in a competitive sport, such as cycling, golf, boxing, football, etc. Therefore, it is well known in the art that different sports have different ranking systems for the competitors, such as the computer ranking system for NCAA football, or the ranking system for ranking the cyclists participated in the "Tour de France", or NASCAR, etc.

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Regarding claim 2, Hickman further discloses wherein the server system receives information from a cycle computer (Section 114, “a display on a bicycle computer”).

Regarding claim 3, Hickman discloses (Fig. 11) wherein the server system receives information from a personal computer (Section 105).

Regarding claim 4, Hickman discloses wherein the managed information comprises at least one of geographical information and cycling condition information (Section 157).

Regarding claim 6, Hickman discloses the server system processes information corresponding to a current location of a bicycle user (Sections 114; GPS sensor and current location).

Regarding claim 7, since Hickman teaches the Internet network/server system, it would have been obvious that the users or trainers can communicate through email system.

Regarding claims 8 and 9, Hickman discloses (Fig. 33) the trainer provides a training plan (612 and 616) based on rider history data (602-606) (Section 162).

Regarding claim 10, since Hickman teaches the Internet network/server system, it would have been obvious that the users or trainers can delivery information back and forth (Sections 15-16 and 97-98).

Regarding claim 11, note the rejection as set forth above with respect to claim 10. Hickman further discloses the server systems processes information corresponding to a current location of a bicycle user (Sections 114; GPS sensor and current location).

Regarding claim 12, since Hickman teaches the Internet network/server systems, it would have been obvious that the users or trainers can delivery information back and forth (Sections 15-16 and 97-98).

Regarding claim 13, Hickman further discloses the server systems processes information corresponding to a current location of a bicycle user (Sections 114; GPS sensor and current location). Furthermore, it is well known in the art that the GPS can detect and provide a current location of a vehicle.

Regarding claims 14 and 15, Hickman discloses wherein the managed information comprises at least one of geographical information through the Internet (Sections 157 and 159).

Claim Rejections - 35 USC § 103

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hickman and Shea as applied to claim 1 above, and further in view of Rice (US 2004/0210353).

Regarding claim 34, as best understood, Hickman fails to disclose the “historical” ranking information for the bike users.

However, Rice discloses (Figs. 6 and 7) the “historical” ranking information of drivers (the recording and storing of the driver ranking value) (Section 93).

Therefore, it would have been obvious to the person of ordinary skill in the art to use the driver storing ranking system of Rice into the cycling competition of Hickman to provide individual ranking value for different bikers.

Furthermore, Hickman also teaches “This also permits amateurs (presumably on fixed exercise devices) to compete with professionals on mobile exercise devices” (Section 159).

Therefore, it would have been obvious to the person of ordinary skill in the art to recognize that the terms “amateurs” and “professionals” are two different ranking levels in a competitive sport, such as cycling, golf, boxing, football, etc. Therefore, it is well known in the art that different sports have different ranking system for the competitors, such as the computer ranking system for NCAA football, or the ranking system for ranking the cyclists participated in the “Tour de France”, or NASCAR, etc.

Response to Arguments

Applicant's arguments filed June 29, 2006 have been fully considered but they are not persuasive.

Applicant argues that neither Hickman nor Shea discloses or suggest the ranking information for a plurality of bicycle users. However, the examiner respectfully disagrees.

Regarding the claimed limitation "a rank processing unit that processes and provides ranking information for a plurality of bicycle users", Hickman further teaches that the bicycle users can race or compete in the "Tour de France" (Section 156). Hickman also teaches "This also permits amateurs (presumably on fixed exercise devices) to compete with professionals on mobile exercise devices" (Section 159).

Therefore, it would have been obvious to the person of ordinary skill in the art to recognize that the terms "amateurs" and "professionals" are two different ranking levels in a competitive sport, such as cycling, golf, boxing, football, etc. Therefore, it is well known in the art that different sports have different ranking system for the competitors, such as the computer ranking system for NCAA football, or the ranking system for ranking the cyclists participated in the "Tour de France", or NASCAR, etc.

Regarding new claim 34, as best understood, Rice discloses (Figs. 6 and 7) the "historical" ranking information of drivers (the recording and storing of the driver ranking value) (Section 93).

Therefore, it would have been obvious to the person of ordinary skill in the art to use the driver storing ranking system of Rice into the cycling competition of Hickman to provide individual ranking value for different bikers.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Luu



MATTHEW LUU
PRIMARY EXAMINER